



EB-2014-0116

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Toronto Hydro-Electric System Limited for an order approving just and reasonable rates and other charges for electricity distribution to be effective May 1, 2015 and for each following year effective January 1 through to December 31, 2019.

PROCEDURAL ORDER NO. 8

March 5, 2015

Toronto Hydro-Electric System Limited (Toronto Hydro) filed a Custom Incentive Rate (“CIR”) application (the “Application”) with the Ontario Energy Board (the OEB) on July 31, 2014 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, to be effective May 1, 2015 and each year until December 31, 2019. Commencing in 2016, rates will be effective January 1.

On February 9, 2015, the Rogers Communications Partnership (Rogers) on its own behalf as well as on behalf of Allstream Inc. and Cogeco Cable Inc. on behalf of itself and its affiliates, including Cogeco Cable Canada LP and Cogeco Data Services Inc. (collectively, the other carriers) filed a letter with the OEB stating that Rogers and the other carriers have wireline communications attachments on poles of Toronto Hydro for which the annual rate for these attachments is currently \$22.35 per pole. Rogers stated that it and the other carriers had recently become aware that the Application contained a proposed increase in this rate to \$92.53 per pole. On February 12, 2015, TELUS Communications Company (TELUS) filed a letter on behalf of itself and its affiliates supporting the position of Rogers and the other carriers.

Rogers and the other carriers argued that Toronto Hydro had failed to provide adequate notice of this increase to its wireline attachment customers and requested relief as outlined in their letters.

On February 23, 2015, the OEB issued Decision and Procedural Order No. 7, which determined that the Notice of the Application which was provided was not adequate but that the relief requested by Rogers and the other carriers would not be granted. The OEB further determined that it would establish additional procedural steps in the Application to allow for the concerns of Rogers and the other carriers to be heard.

The OEB accordingly granted late intervenor status to Rogers and stated that any other party wishing to make a late intervention request, specifically related to the wireline attachment rate could do so by February 26, 2015. A condition of late intervenor status being granted was that parties so approved adhere to the schedule outlined in Decision and Procedural Order No. 7.

The OEB received two requests for late intervention status. On February 26, 2015, Cogeco Cable Inc. on behalf of itself and its affiliates, including Cogeco Cable Canada LP and Cogeco Data Services Inc. (Cogeco) and TELUS Communications Company and its affiliates (TELUS) requested late intervention status in this proceeding. On the same date, Allstream Inc. (Allstream) also requested late intervenor status.

The OEB accepts that Cogeco, TELUS and Allstream are wireline carriers that are required to pay any wireline attachment rate for Toronto Hydro that may be approved by the OEB. The OEB accordingly accepts the late intervention requests of Cogeco, TELUS and Allstream.

Cogeco, TELUS and Allstream did not apply for an award of costs under the Board's Practice Direction on Cost Awards and will not be eligible for such awards.

The OEB considers it necessary to make provision at this time for the following procedural steps.

The OEB ORDERS THAT:

1. The list of intervenors is revised and is attached as Appendix A.

All filings to the OEB must quote the file number, EB-2014-0116, and be made electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, in searchable / unrestricted PDF format. Two paper copies must also be filed at the OEB's address provided below.

Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Martin Davies at Martin.Davies@ontarioenergyboard.ca and Board Counsel, Maureen Helt at Maureen.Helt@ontarioenergyboard.ca.

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DATED at Toronto, March 5, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

APPLICANT AND LIST OF INTERVENORS

EB-2014-0116

TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

DATED: MARCH 5, 2015

**Toronto Hydro-Electric System Limited
EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

March 05, 2015

APPLICANT

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Toronto Hydro-Electric System Limited
EB-2014-0116

APPLICANT & LIST OF INTERVENORS

March 05, 2015

INTERVENORS

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EB-2014-0116**

APPLICANT & LIST OF INTERVENORS

March 05, 2015

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Toronto Hydro-Electric System Limited
EB-2014-0116

APPLICANT & LIST OF INTERVENORS

March 05, 2015

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Toronto Hydro-Electric System Limited
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March 05, 2015

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**Toronto Hydro-Electric System Limited
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March 05, 2015

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**Toronto Hydro-Electric System Limited
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APPLICANT & LIST OF INTERVENORS

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**Toronto Hydro-Electric System Limited
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**Toronto Hydro-Electric System Limited
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APPLICANT & LIST OF INTERVENORS

March 05, 2015

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